

# Minutes (Notes on Discussion)-President's Council Meeting

November 4, 1997

City/County Government Center

Fond du Lac

10:00 a.m. Meeting was called to order by Don Schenker from Wisconsin Land Title Association-1997 Host Association.

Members Present: Don Schenker & Karen Gilster-Wisconsin Land Title Association  
Michael Sydow-Register of Deeds Association  
Frieda Jacobson-County Treasurer's Association  
Edward Harvey Jr.-County Surveyor's Association  
Kathy Markeland-Wisconsin Counties Association  
D. David Moyer-Wisconsin Land Information Association  
Howard Licht-Wisconsin Society of Land Surveyors  
Ken Brockman-Wisconsin Dept. of Transportation  
Gail Gentz-Wisconsin Clerk of Courts Association  
Dan Connell-Wisconsin Mortgage Bankers Association  
Fond du Lac County Clerk (Joyce)-County Clerk's Association

After a brief overview from Don Schenker on the origin, purpose and structure of the President's Council, the meeting followed the agenda. Handouts were provided by various Associations.

## OLD BUSINESS:

### Customized Records: Discussion on the Data Dissemination

Proposal dictates what records County Government can and cannot give out.

County Clerk's Assn. would like some discussion and input on this including costs of records.

In some areas of the state customized records are being provided by private vendors.

How do you define customized? Discussion.

Transfer Forms: New form to be machine readable. Discussion on how to overcome the problem arising when a transfer is exempt and there is a transfer with no form. There needs to be an alternative way to document where tax bill is to be sent. Divorce decrees or final probate judgements don't have an instrument regarding tax bills. It is especially difficult when party doesn't live in the county. Suggestion to use present new form and fill out Item #7. Why is the space on bottom of the new form which is to be completed by authorized County Official provided? Could it have been left off? Discussion that this area is used to compare assessed value to sale price and the Assessors use this information and it is their responsibility to fill this out. This data can alert an Assessor of a drop in value or that the taxes weren't paid. It is an audit tool. And it has always been a part of the form.

### Platting of Land: Specifically-Conveyances with more than 10 exceptions.

At a certain point it is difficult to figure out what is left in a specific area that has had many sales or surveys. An assessor can order a survey to determine how everything fits together. In Iowa they use an Auditor's Plat where the auditor can tell a private citizen to get a survey or the County will order the survey and will send the citizen a bill. Discussion: This is not a solution. Wisconsin Counties and Towns have the authority to unravel the plat and meet the parties to get agreements. End result is clarification on lot lines. Assessor's Plat bills are sent to individual owners. Cost is dependent on how much work was involved. Costs are usually expensive because of all of the trips necessary to meet with owners to agree on the lines. One additional accomplishment is that there is certainty in whether property owners are paying the right taxes. Assessors plats do help keep owners out of the courts. Some counties do and some don't use Assessor's plats. Perhaps new legislative could address uniformity. If Government says that "After 10 exemptions, you MUST order an Assessor's Plat", it becomes a mandate. Suggestion during discussion that this be left to the local authorities or the property owners to resolve.

Standard Fees-Electronic Records: Wisconsin Land Title Assn. and the Wisconsin Register of Deeds Assn. have diligently been discussing this issue. WLTA did a survey in their newsletter for their members. Both Associations are reaching a consensus. Suggestion that the Clerk of Courts may want to piggy back off of the Register of Deeds. Many Court indexes such as Guardianship files are confidential-not open to the public and you must make a request of a judge to get information. Closed means that the public isn't even suppose to know about the file. In some counties an index is shown or at least confirmed. If a person is under a guardianship and buys or sells or signs a mortgage-it is a "void" transaction and must be fought out in the courts. Legislation could clarify-the existence of a guardianship, keeping the reason "why" a guardianship is confidential intact. If title company was denied access to information, then if the case goes to court, can the County be liable? What is the difference between "void" and "voidable" re: competency?

Transportation Project Plat Update: Will be presented to Senator Bob Welch (who was a surveyor) this week and he will be asking for sponsors. The copy passed out today will be introduced (with two little words taken out). If it is non controversial, it should be signed by May. Bush Nielsen (WLTA) and DOT's Corporate Counsel wrote the bill. Legislative Council completely re-wrote. Discussion regarding: Recording All Right of Ways with the Registers of Deeds. Prediction that it will take approximately 40-50 years. May start a program to do as each road is re-surfaced. The DOT would look at re-platting at that time for state highways. This would be a policy change, however, not a statutory change. Members of President's Council discussed the Transportation Project Plat and there were no dissenting voices. Associations present agreed to take the Legislation back to their member organizations for support.

CSM's/Assessor's Plats: SB135 & AB253-A recent Wisconsin Court of Appeals decision ruled that certified survey maps may not be used to subdivide lands in Assessor plats. Since this is an interpretation of statutory law, the only remedy is remedial legislation. There is no information if this ruling is being followed in the various counties.

### **NEW BUSINESS:**

Condo Law Revisions: Two changes affecting the Register of Deeds. 1). Name of project 2). Review. Concerns were discussed re: the review which might take more time and incur additional fees for scrutinizing the documents. The Wisconsin Society of Land Surveyors is opposed to this bill. 10 days is not long enough and there is a question on who is qualified to review. Object to changing the terms "Amendment" to "Addendum". They do have some concerns and have let the ROD's know. The County Surveyors Assn. does not agree with all of the above objections. Lack of consensus on the Condo Law.

Proposed Federal Geographic Data Committee-Spatial Data Needs: Wisconsin Land Information Board supports Federal guidelines and is watching this issue and will provide information to each Association as necessary to monitor. If any Association has any interest in receiving information, please contact Wisconsin Land Information Board individually.

Revision 59.43-Indexing Procedures & Policies: These are guidelines, recommendations and technical changes. Register of Deeds favors legislation.

Federally Mandated Support Liens: Discussion led by Clerk of Cts. Assn. This will be part of the "Kids System" through the State and accessible through the Register of Deeds Offices. The Federal Government has mandated that the States track arrearages in support and after a certain amount of time the arrearages will become a lien. "Findability" ...there needs to be a way to track these liens. Clerk of Courts are actively involved in this issue and will make sure title companies can track it so liens can be satisfied. This is a HUGE Federal Mandate that will affect many of industries including banking. All "newly hired employes" must be reported by employers into this system when employment is secured.

On Common Ground: Sponsored by the Wisconsin Realtors Association. Publication was provided to all attending Association members with instructions to contact Bill Malkasion, EVP, WRA, for more information or to pledge support to this project involving land use issues.

Construction Lien Law Changes: Discussion regarding changes that may be introduced regarding construction lien law. No one from the building industry was represented. Construction liens are filed with the Clerk of Courts. Discussion to file them in the Register of Deeds Office. Concerns & Issues: Who gets the lien notices, who is damaged-customer/material suppliers/sub-contractors, fund to compensate those who get lien's filed against them, what kind of changes would make this process easier for the banking industry and manageable for the construction industry? Encourage Builder's Assn. to keep other Associations informed and to keep communication open for support.

Additional Issues from Floor: Wisc. Society of Land Surveyors brought issues to the floor to inform members: LRB 3776-1: this bill recommends that a final Plat can't be recorded for 6 months after preliminary plat. AB-545 Trepass Law: Inspectors can be denied access to property under this bill. Wants to add language to give surveyors exception to this law so then can perform their professional duties (ie; finding corner stakes, etc.)

**Additional Business:**

Motions for Support on Issues: Discussion: Members who attend President's Council Meetings may or may not have the authority to pledge their support or opposition in behalf of the members of their Associations on issues presented by other Associations. Rather than voting on endorsing legislation, it was agreed that each Association would take the issues back to their Associations for support. It may, however, be noted in the notes and minutes that if an Association wishes to ask for input or reaction on issues and legislation that it may state that there were/were not dissenting voices of those in attendance.

1998 Meeting: 1<sup>st</sup> Tuesday in October. Location-Everyone seemed to like keeping the meeting located in an area of the state central to those who would be attending in 1998 verses setting the location in the center of the state each year.

1998 Host: Any Association wishing to host the 1998 meeting, please contact Karen Gilster Executive Officer of WLTA. WLTA will continue to maintain the membership data base by updating the names, addresses and phone numbers of current President's of each Association. New host would have to send out communications and set up next meeting.

Meeting adjourned

Respectfully submitted,  
Karen Gilster, Executive Officer  
Wisconsin Land Title Association  
1997 President's Council Host Association